

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2017 FEB -8 PM 3: 18

Eric Keaton

Write the full name of each plaintiff.

-against-

UNITED STATES ETAL

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

17CV 952
No.

(To be filled out by Clerk's Office)

Tort
COMPLAINT
(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

Tort 28 U.S.C.S 2679
28 U.S.C.S 1346

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ Violation of my federal constitutional rights Human Rights
- ☒ Other: UNITED STATES Constitution, Civil Rights Act

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Eric</u>		<u>Keaton</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3601600027

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Gr. R. V. C.

Current Place of Detention

0909 Hazen Street Eastelmhurst

Institutional Address

<u>New York</u>	<u>N.Y.</u>	<u>11370</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee
- ☒ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

UNITED STATES
 First Name Last Name Shield #
 Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 2:

Treasury Department
 First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 3:

William Bratton
 First Name Last Name Shield #

Commissioner N.Y.C.
 Current Job Title (or other identifying information)

One Police Plaza
 Current Work Address

New York N.Y. 10007
 County, City State Zip Code

Defendant 4:

Ceaser Sergeant
 First Name Last Name Shield #

Sergeant
 Current Job Title (or other identifying information)

Midtown South Precinct 357 west 35 st
 Current Work Address

New York N.Y. 100018
 County, City State Zip Code

D. Facts: On or about April 24, 2014, I was unlawfully arranged and arrested by Sergeant Ceaser, midtown South Precinct. I was arrested and detained in midtown South Precinct where I was strip searched and sexually assaulted by Ceaser and fellow officers in violation of my rights to be free of illegal search and seizure. I was detained for 8 to 9 hours before the ADA declined to prosecute. He claims I violated Penal Code 220.39, false arrest me, and in prison me for 8 to 9 hours. (In violation of my Constitutional Rights of Equal protection of the law and illegal search and seizure and deliberate indifference cruel and unusual punishment. These acts are tortious in malicious without regard for the law of the land, Constitution, where rights secured by the Constitution are involved, there can be no role making or legislation, which would abrogate them. Defendant never had probable cause to arrest me or detain my person in a jail or cell. Probable cause exists when the issue of whether probable cause to search exists must be determined on the basis of the independent judgment of a detached Magistrate. It must be based on affidavits in support of a request for a search warrant. In that Plaintiff was discriminated upon by this arbitrary and capricious conduct that was committed by defendant Sergeant Ceaser, in a malicious and tortious sadistic manner with the sole purpose of deprivation of Plaintiff

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

See Attachment

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

As the exact result of this unlawful arrest imprisonment, Plaintiff has suffered enormous amounts of emotional stress and mental anguish, paranoia of police, embarrassment, shame, loss of confidence in New York City Police. Plaintiff has to rebuild and strengthen his relationship and trust with his loved ones as the exact result of the unlawful arrest.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

human rights under the universal declaration of human rights and questions the integrity of mankind. Especially some one as the defendant who is an actor under the Federal Constitution law and liable thereof. The defendant New York City Police Commissioner William Bratton 1, is a liable defendant under FTCA in that he failed in his job title and duty as Commissioner of the New York City Police Department to in force establish Codes of ethics in making arrest that do not discriminate against people that lead to illegal Search and Seizures in making arrest and strip searching citizens, while in holding pens after arrest that was unlawful from the beginning. Together these defendants acted in concert in violating Plaintiff rights that also discriminated and defamed his humanity under the United States Constitution. And these defendants alike violated the Civil Rights Act. Defendants know that the proper arrest is base on an Oath or Affirmation in Court upon a warrant issued, they violated the very Oath for which they stand bond to uphold. He acted with Malfeasance, Malice, Malicious Arresting Plaintiff, and liable under Federal Constitution Civil Rights Act, Magnuson-Moss Warranty.

I Eric Keaton, being duly sworn deposes and says that the information in this pleading is upon information and knowledge Deponent; further States that these are the facts in this pleading; upon personal knowledge.

Defendant is liable under the Public Officers Law
 That provision provides that the provision of Public Officers
 Law shall not be interpreted to impair, alter, limit or
 modify the rights and obligations of any insurer
 under any policy of insurance Public Officers law
 According to the state, subdivision (7) was intended
 to preserve all available Commercial insurance
 coverage and, further, that the obligation of the state
 would be to indemnify an employee to the extent
 that his other insurance carrier coverage was inad-
 equate to the purpose. To the extent that an insurance
 carrier, without exception or reservation, for acts of
 Malicious Arrest, Malpractice, which would be covered und-
 er Public Officers law

The validity of debt of the United States, author-
 ized by law, including debts incurred for payment
 of pensions and bounties for services in suppress-
 ing insurrection or rebellion, shall not be question-
 ed.

All Rights Reserved

Eric Keaton

13th day of January 2017
 Ruth Marciano
 RUTH MARCANO
 RUTH MARCANO
 NOTARY PUBLIC-STATE OF NEW YORK

No. 01MA5088836
 Qualified in Nassau County
 My Commission Expires December 01, 2017

(a) Willful violations; false and misleading statements.

Any person who willfully violates any provision of this title [15 USCS §§ 78a et seq.] (other than section 30A [15 USCS § 78dd-1]), or any rule or regulation thereunder the violation of which is made unlawful or the observance of which is required under the terms of this title [15 USCS §§ 78a et seq.], or any person who willfully and knowingly makes, or causes to be made, any statement in any application, report, or document required to be filed under this title [15 USCS §§ 78a et seq.] or any rule or regulation thereunder or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title [15 USCS § 78o(d)], or by any self-regulatory organization in connection with an application for membership or participation therein or to become associated with a member thereof, which statement was false or misleading with respect to any material fact, shall upon conviction be fined not more than \$5,000,000, or imprisoned not more than 20 years, or both, except that when such person is a person other than a natural person, a fine not exceeding \$25,000,000 may be imposed; but no person shall be subject to imprisonment under this section for the violation of any rule or regulation if he proves that he had no knowledge of such rule or regulation.

(b) Failure to file information, documents, or reports.

Any issuer which fails to file information, documents, or reports required to be filed under subsection (d) of section 15 of this title [15 USCS § 78o(d)] or any rule or regulation thereunder shall forfeit to the United States the sum of \$100 for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal

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(2) (A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title [15 USCS § 78dd-1] shall be fined not more than \$100,000, or imprisoned not more than 5 years, or both.

(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title [15 USCS § 78dd-1] shall be subject to a civil penalty of not more than \$10,000 imposed in an action brought by the Commission.

(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of an issuer, such fine may not be paid, directly or indirectly, by such issuer.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ___ No ___ Do Not Know ___

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ___ No ___ Do Not Know ___

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ___ No ___

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ___ No ___

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

Plaintiff seeks Pain and Suffering damages from each defendant in their individual and official capacity in the amount of 300,000. Plaintiff also seeks emotional stress and mental anguish damages from each defendant in their individual and official capacity in the amount 300,000, and finally Plaintiff seeks punitive damages from each defendant in their individual and official capacity in the amount of 500,000 for a Subtotal of one point six million dollars. In that no reprisals be made against Plaintiff in the future for the sole purpose of the filing of this complaint by the Midtown South precinct Detectives or Uniform Police named herein and or otherwise employed thereof.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☐ No ☐

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3 day of Feb, 2017.

Signature of Plaintiff

Inmate Number

Institution Address

Eric Keaton
3601600027
GIRVC 0909
Hazen Street
East Elmhurst New York
N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 3 day of Feb, 2017, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

All Rights Reserved

Eric Keaton

Eric Keaton 3601600027
GRVC 0909
HazenStreet
EastElmhurst
New York 11370



Pro Se Intake
United States District Court
Southern District of New York
U.S. Court House - 500 Pearl St, Room 200
New York N.Y. 10007

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